

BOARD OF FORESTRY AND FIRE PROTECTION **HISTORY, ORGANIZATION AND MANDATE**

I. INTRODUCTION

The Board of Forestry and Fire Protection is a government-appointed body within the Department of Forestry and Fire Protection. It is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department and for representing the state's interest in federal forestland in California. Together, the Board and the Department work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board is charged with protecting the forest resources of all the wildland areas of California that are not under federal jurisdiction. These resources include; major commercial and non-commercial stands of timber, areas reserved for parks and recreation, the woodland, brush-range watersheds, and all such lands in private and state ownership that contribute to California's forest resource wealth.

II. BRIEF HISTORY OF THE BOARD OF FORESTRY

In 1885, the Governor of California approved an act that authorized the appointment of a three-man State Board of Forestry, the first such body in the nation. Because of a lack of clear statutory authority and minimal budgeting, the original Board was only able to act in an educational and advisory capacity. That original Board or Commission of Forestry was abolished in 1893.

In 1905, an "Act of March 18, 1905", became law, creating a new Board of Forestry and the first State Forester. In 1927, the Division of Forestry was organized.

In 1947, the original Forest Practice Act was passed by the State Legislature. Although the responsibilities and powers of the Board under the old act were less than they are today, the 1947 Act laid important foundations of experience and procedure, which led to further development for the Board.

Throughout the period of the 1950s and 1960s, the Board of Forestry functioned under the mandate of the 1947 Act by formulating forest policy for the state.

At the time of passage of the Z'berg-Nejedly Forestry Practice Act of 1973, the Legislature reorganized the Board and concomitantly expanded its powers and responsibilities. For example, the 1973 statute changed the Board's function in relation to forest practice rules from a ratification role to an adoptive role. In addition, the present general public five (5), forest products industry three (3), and range-livestock industry one (1) membership ratio was enacted to increase the public input into Board matters.

When the Division of Forestry was elevated to departmental status in 1977, the organizational relationship between the Department and the Board was retained. This reorganization of the Department had no effect upon the Board's mandated duties and responsibilities.

III. ORGANIZATION OF THE BOARD

Pursuant to Section 730 of the California Public Resources Code there is in the Department of Forestry a State Board of Forestry. All members of the Board are appointed by the Governor on the basis of their professional and educational qualifications and their general knowledge or interest in problems that relate to watershed management, forest management, fish and wildlife, range improvement, forest economics, or land use policy.

A chairman chosen by the Governor presides over the Board. The members annually elect a vice-chairman from their number. To achieve a balanced approach to forest land policy, the Public Resources Code delineates the character of the Board by designating that five members will be from the general public, three are chosen from the forest products industry, and one member is from the range-livestock industry.

When a member is appointed to the Board, he or she will generally serve a four-year term that overlaps the tenure of the other members. This overlap, or staggered nature of membership, provides continuity and consistency to the Board's policies and actions. If for some reason a member does not complete their entire term, a vacancy is created that will be filled by the Governor. All appointments are subject to confirmation by the State Senate and all are subject to possible reappointment at expiration.

Although the Board of Forestry is headquartered in Sacramento, it can determine such places and times to hold meetings as it chooses. Five members are a necessary quorum for transacting business. To adopt, repeal, change, or amend any Board rules and regulations, a majority vote of the authorized membership is necessary. All official Board meetings are open to the general public. Meetings operate under rules of order adopted by the Board.

As authorized by the Public Resources Code, the Board has appointed an executive officer to assist in its duties, administer the staff functions surrounding the Board's business, and to act as a liaison to the Attorney General and Legislature. A forester appointed by the Board assists the Executive Officer and is in charge of the Forester Licensing Program of the Board.

For the purpose of focusing on particular issues, the Board has been broken down into four committees. The committees are: Policy and Management, Roads and Watersheds, Forest Practices, and Resource Protection. The number and type of committees may be adjusted by the Board to meet current needs.

To assist the Board in specific matters, advisory committees are sometimes appointed. Examples are the Sensitive Species Working Group and the Monitoring Study Group. Members are appointed by the Chairman of the Board and are drawn from specializations applicable to the Committee's concerns.

Various laws also establish committees to advise the Board in particular areas. Examples are the Professional Foresters Licensing Committee, which advises the Board on implementation of the Professional Foresters Licensing Law, and the Range Management Advisory Committee.

IV. **MANDATE OF THE BOARD OF FORESTRY**

The actual powers and responsibilities of the Board are widespread and diverse. A brief outline of the legislative mandate is presented below.

A. **Public Resources Code (PRC)**

1. Determine, establish, and maintain an adequate forest policy for the state. (PRC 740)
2. Represent the state's interest in federal land matters pertaining to Forestry. (PRC 740)
3. Protect the state's interests in forest resources on private lands. (PRC 740)
4. Represent the state's interest in the acquisition and management of state forests. (PRC 740)
5. Formulate guidance policies of the Department. (PRC 740)
6. Determine biennially the need for forest management research and recommend needed projects to the Governor and Legislature. (PRC 4806(a))
7. Provide for a statewide program of research in the technical aspects of forest management, which may be delegated to it by law. (PRC 742)
8. Investigate and report, as appropriate, on any technical factors involved in forest management. (PRC 743)
9. Guide the Director, as appropriate, in preparing and implementing a forest management information storage and retrieval program relating to forest conditions to assist in the formulation of policy. (PRC 4806 (b))
10. Implement a public information program on matters involving forest management and maintain an information file on forest management research. (PRC 745)

B. **Professional Foresters**

By regulation the Board may adopt rules for carrying out its duties to examine, and license professional foresters. These duties and functions include:

1. Adopt rules to carry out the licensing program. (PRC 759)
2. Consider at regular meeting, matters pertaining to professional foresters. (PRC 760)
3. Keep records pertaining to professional forester registration. (PRC 761)
4. Provide for the issuance of certificates of specialization. (PRC 762)

5. Establish an examining committee. (PRC 763)
6. Receive appeals from examining committee actions. (PRC 769)
7. Give examinations and require adequate demonstration of experience and knowledge necessary for certification as a professional forester. (PRC 768, 769, 770)
8. Conduct investigations, if needed, of professional foresters and, if necessary, Take disciplinary action. (PRC 775)

C. Prevention and Control of Forest Fires

Responsibilities of the Board in relation to the prevention and control of forest fires includes:

1. Classify and adjust boundaries of state responsibility areas, as appropriate. (PRC 4125)
2. Review and approve a fire plan prepared by the Department. (PRC 4114)
3. Make regulations necessary to carry out the fire protection function. (PRC 4111)
4. Formulate standards of what fire conditions constitute a hazard. (PRC 4173)
5. Designate hazardous fire areas. (PRC 4251)
6. Provide standards for cooperative agreements for structural fire protection in the non-fire season. (PRC 4142)

D. Z'berg-Nejedly Forest Practice Act

The intent of the forest Practice Act is to create a comprehensive and effective system of regulations of use of timberlands to ensure productivity, sustained yield, and due consideration of watershed, recreation, wildlife, range, aesthetic, and fishery values. In relation to this intent, the Board's duties include:

1. Divide the state into not less than three forest districts. (PRC 4531)
2. Develop and adopt forest practice rules for each forest district. (PRC 4551 and 4551.5) Provide standards to the Director. (PRC 4552)
3. Continuously review and revise forest practice rules. (PRC 4553)
4. Hold public hearings for the adoption or revision of forest practice rules. (PRC 4554)
5. Regulate, if necessary, the size and shape of areas in which even-age management of timber is utilized. (PRC 4561)

6. Adopt stricter resource conservation standards, if necessary. (PRC 4561)
7. Conduct investigations of problems associated with soil erosion for the purpose of developing soil resource conservation standards. (PRC 4562.5) Promulgate soil erosion control regulations for each forest district. (PRC 4562.5)
8. Adopt rules for control of timber operations which will result or threaten to result in unreasonable effects on the beneficial uses of the waters of the state. (PRC 4562.7)
9. Issue licenses for the conduct of timber operations. (PRC 4571)
10. Deny issuance of licenses for specified causes. (PRC 4572)
11. Deny renewal of licenses for cause. (PRC 4574)
12. Delegate, if appropriate, its authority vis-a-vis timber operation licenses, to the Director of the Department of Forestry. (PRC 4577)
13. Review timber harvest plans that have been appealed as the result of denial by the Director for lack of conformance with the regulations of the Board or which have been referred under PRC 4555. (PRC 4582.7)
14. Take disciplinary action against professional foresters who have been proven to have made material misstatements. (PRC 4583.5)
15. Exempt from the Act, as appropriate, certain forest management activities of a merely maintenance nature. (PRC 4584)
16. Determine a sampling procedure for measuring of stocking. (PRC 4587)
17. Define emergencies for the purposes of emergency notice to harvest. (PRC 4592)
18. Request the Attorney General, if necessary, to enforce compliance with the Forest Practice Act. (PRC 4603)
19. Hold hearings, if requested, to determine the applicability of particular notices too take corrective action. (PRC 4605)
20. Prescribe procedure for form, content, and fees of conversion applications. (PRC 4621)
21. Require additional proof of intent to convert. (PRC 4623)
22. Delegate authority in conversion matters to the Director. (PRC 4627)
23. Deny for cause conversion applications and hold hearings on denial if requested. (PRC 4624)

24. Revoke conversion permits, if applicable, for cause. (PRC 4626)

E. Cooperative Agreements, Nursery, Insect Control, Land Gifts

1. Develop policy in relation to cooperative agreements. (PRC 4671)
2. Approval of nursery prices. (PRC 4684)
3. Recommend and, if necessary, set conditions for accepting gifts of land for the State Forest System. (PRC 4701)
4. Determine policy for insect and plant disease control, declare and dissolve zones of infestation. (PRC 4715)
5. Recommend, if necessary, acquisition of Sequoia Gigantea for the Department of Parks and Recreation. (PRC 4722)

F. State Forests

1. Approve Department of Forestry forest management plans in state forests. (PRC 4645)
2. Recommend and promulgate resolutions for acquisition of state forest properties if it is deemed appropriate. (PRC 4648)
3. Approve state forestland sales due to unsuitability for forest purposes. (PRC 4653)
4. Establish rules for the preservation, protection and use of state forests. (PRC 4651)

G. Protection and Development Corporations

1. Establish regulations for, and approve the regulating of, conduct of corporations involved in the cutting of timber or other work on forest lands. (PRC 4736)
2. Examine the operations of such corporations to determine if the forest management plan is being followed. (PRC 4737)

H. California Forest Improvement Program

1. Approve regulations for the program when submitted by the Director. (PRC 4799.03)

2. Approve guidelines specifying criteria for evaluation and approval by the Director of forest resource improvement projects. (PRC 4799.01[d])

3. Approve procedures for the review by the Director of proposed forest improvement projects. (PRC 4799.01 [e])

I. Forest Resources and Assessment

1. Provide policy guidance for conduct by the Director of the state's forest assessment. (PRC 4803)

2. Prepare a forest policy statement for the Legislature in conjunction with the assessment. (PRC 40804) [a])

3. Hold hearings on assessment and policy documents. (PRC 4805)

J. Evaluation of Environmental Impacts Under the California Environmental Quality Act (CEQA)

1. Adopt regulations for evaluation and preparation of environmental impact reports. (PRC 21082)

2. Submit, if appropriate, procedures for making project evaluation the functional equivalent to CEQA. (PRC 21080.5)

Under Government Code, Title 5, Division 1, Part 1, Chapter 6.7, Article 4, Section 51113 specific Board duties are:

K. Timberland Preserve Zones - Immediate Rezoning

Approve immediate rezoning requests of Timber Production Zones under the Forest Taxation Act.

V. REGULATIONS

Under various statutes, the Board is authorized to adopt regulations to implement specified programs. To become effective, the Office of Administrative Law must approve these regulations. They must meet tests of necessity, authority, clarity, consistency, reference, and non-duplication as spelled out in Section 11349.1 of the Government Code.

Once adopted, Board regulations are placed in Title 14 of the California Code of Regulations (CCR). The Department then implements these regulations.

Currently, the Board has regulations in the following areas: forest practices (14 CCR 895.1-1111.8), hazardous fire areas and conditions (14 CCR 1200 et seq.), fire protection (14 CCR 1220 et seq.), state forest use and sales (14 CCR 1400 et seq.), forest improvement (14 CCR 1525 et seq.), urban forestry (14 CCR 1550 et seq.),

chaparral management (14 CCR 1560 et seq.), Professional Forester Registration (14 CCR 1601 et seq.), and policy for administration of the Department (14 CCR 1655).

VI. POLICIES

Where the Board gives direction to itself or to the Department, it may choose to enact policy statements. It can also enact informational policies on important issues, such as forest taxation and timber supply. Policies do not have the effect of regulations and hence are not found in the Administrative Code.

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